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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jonathan A. Selzer et al.

Atty. Docket No.: 25614-04A

Serial No.: 10/757,876

Art Unit: 1635

Filed: January 14, 2004

Examiner: M. Qiuwen

Title: ALL NATURAL FLAVOR ENHANCERS FOR GREEN TEA BEVERAGES
AND DENTAL HYGIENE PRODUCT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF DR. JONATHAN A. SELZER AND CORNELIA D. VASILE

We, Dr. Jonathan A. Selzer and Cornelia D. Vasile, hereby declare the following:

1. We are the named inventors on the above noted patent application.
2. I, Dr. Jonathan A. Selzer, am an employee of Herbasway Laboratories, LLC. Cornelia D. Vasile was an employee of Herbasway Laboratories, LLC, and is no longer employed there.
3. We conceived of and reduced to practice the invention claimed in our application Serial No. 10/757,876, prior to May 17, 2003.
4. Attached hereto as Exhibit A is a formula sheet for a product containing:

Green Tea Extract
Lo Han Extract
Chinese Licorice Extract
Stevia Extract
Kudza Root Extract
Lotus Leaf Extract
Glycerin

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Lemon Flavor
Water

The date of this document is prior to May 17, 2003, however the date and specific identifying information has been redacted.

5. We hereby disclose that all statements made herein of our own knowledge as true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements so made are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Dr. Jonathan A. Selzer


Cornelia D. Vasile

EXHIBIT A

PRODUCTION SHEET				Batch Number		
HerbaSway Laboratories				Batch Gallons		
				Batch kg		
				Batch liters		
Density 1.1412				Date planned		
				Date terminated		
Pos. Code	Ingredient	%	Lot Number	Theoretical kg	Actual kg	Initials
	Confirm that the balance is in kg mode					
	Weigh Pos. 10 - 60 into weighing boxes					
10100122	Green Tea extract (leaf)	8.81%		9.800		
20100133	Lotus extract (leaf)	2.12%		2.384		
30100127	Kudzu extract (root)	0.85%		0.954		
40100128	Lo Han Guo Low	1.24%		1.393		
50100123	Lo Han extract (fruit)	1.03%		1.157		
60100130	Chinese Licorice extract (root)	0.18%		0.207		
0010156	Stevia extract (leaf)	0.52%		0.579		
	Confirm that the balance is in kg mode					
	Fill Pos. 70 into vat			34.537		
70101370	Glycerin	30.75%				
	Slowly (use scoop) add Pos. 10 - 60 and stir until dissolved					
	Add Pos. 80			57.019		
80101075	demineralized water	50.77%				
	Mix 15 minutes at 50C					
	exchange mixers and increase to 95C					
	Keep covered. Spray with lemon to reduce foaming					
	Add Pos. 90 and stir well			4.167		
90101064	Lemon Flavor	3.73%				
	Continue stirring for 1 hours					
	Keep covered. Spray with lemon to reduce foaming					
		100.00%		112.317		
Bin Number			Bin Number			
Bin Number			Bin Number			
Bin Number			Bin Number			